

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-26 are currently pending in this application, of which claims 1, 11 and 17 are independent claims and the rest dependent. Claims 1-23 are currently amended and claims 24-26 are newly added.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the USPTO, that the drawings have been accepted by the Examiner and that the references cited in the Information Disclosure Statement filed May 11, 2006 have been considered.

DRAWINGS

The Examiner objects to the drawings, alleging that the arrangement wherein slits are only provided between certain springs is not illustrated in a drawing(s).

Applicant respectfully directs the Examiner to FIGS. 9-10 (and page 13, lines 24-33 of the PCT Publication), wherein zones II and IV, for example, are illustrated as having no slits while zones I, III and V, for example, include slits. Accordingly, the drawings illustrate every feature recited in the claimed invention and no corrected drawing sheets are necessary.

Applicant respectfully requests that the Examiner withdraw the objection.

REJECTIONS UNDER 35 U.S.C. §112

Claims 3, 7, 9, 12, 15-16, 23 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distantly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

As is shown in the preceding section, claims 3, 7, 9, 12, 15-16, 23 are amended to particularly point out and distantly claim the subject matter regarded as the invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-3, 5, 11-13, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 1,455,847 to Meutsch. Applicant respectfully traverses this rejection for the reasons detailed below.

It is alleged in Office Action at page 4 that lacing strip 17 of FIG. 3 of Meutsch is a “surface attachment” which keeps abutting surfaces of each of Meutsch’s strings together.

However, lacing strip 17 of FIG. 3 of Meutsch is a fabric strip that maintains the springs in their pockets 10 in an upright position. See, Meutsch col. 5, lines 14-16. The lacing strip 17 does not provide any “surface attachment between abutting surfaces.” Also, the abutting surfaces of two strings of Meutsch cannot have any “surface attachments” since Meutsch discloses slits 13 on the abutting surfaces. See, FIGS. 2-3. Additionally, in Meutsch, a lacing strip 18 (similar to lacing strip 17) passes through the slots 16 as illustrated in FIG. 4, for example. Another lacing strip 24 is arranged along the periphery of the arrangement of FIG. 4 and is fastened at 25. See, also, FIGS. 5-6 of Meutsch. As such, the spring arrangement of Meutsch is enclosed in the lacing strip 24 and, therefore, the slots of Meutsch cannot “[allow] **an increased interjacent separation distance to be formed between said adjacent springs,**” as recited in claim 1. See, FIG. 1 of Meutsch. (Emphasis Added)

Also, as is seen in FIGS. 2-3 of Meutsch, the slot 16 (allegedly, “a slit” of claim 1, as per the Examiner) is formed in the fabric of the Meutsch mattress and

is not "**completely enclosed between an upper and a lower part of the string,**" as recited in claim 2. (Emphasis Added)

For at least all these reasons, Meutsch fails to anticipate each and every limitation of claims 1-2 and the somewhat similar limitations of claims 11-12. Claims 3, 5, 13 and 15, dependent on one of independent claims 1 and 11, are also allowable at least for the reasons given above with respect to claims 1 and 11 and also on their own merits.

Applicant, therefore, respectfully requests that the rejection to claims 1-3, 5, 11-13 and 15 under 35 U.S.C. § 102(b) be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 4, 7-10 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meutsch. Applicant respectfully traverses this rejection for the reasons detailed below.

Claims 4, 7-10 and 16 are dependent on one of independent claims 1 and 11 and claims 1 and 11 have been shown to be patentable at least for the reasons above. Claims 4, 7-10 and 16 are also patentable at least by virtue of their dependency on one of independent claims 1 and 11.

Applicant, therefore, respectfully requests that the rejection to claims 4, 7-10 and 16 under 35 U.S.C. §103(a) be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 6 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meutsch in view of U.S. Patent 4,578,834 to Stumpf ("Stumpf-834"). Applicant respectfully traverses this rejection for the reasons detailed below.

Claims 6 and 14 are dependent on one of independent claims 1 and 11 and claims 1 and 11 have been shown to be patentable at least for the reasons above.

Claims 6 and 14 are also patentable at least by virtue of their dependency on one of independent claims 1 and 11.

Applicant, therefore, respectfully requests that the rejection to claims 6 and 14 under 35 U.S.C. §103(a) be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 17-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 4,986,518 to Stumpf ("Stumpf-518") in view of Meutsch and Stumpf-834. Applicant respectfully traverses this rejection for the reasons detailed below.

Acknowledging the deficiencies of Stumpf-518 and Stumpf-834 in teaching each and every limitation of independent claim 17, the Examiner relies on the teaching of Meutsch to cure the noted deficiencies of Stumpf-518 and Stumpf-834. Particularly, the Examiner alleges that Meutsch teaches "means for providing a slit between at least two coil springs located adjacent to one another within a same string such that the slit allows an increased interjacent separation distance to be formed between the adjacent springs," as recited in claim 17.

Applicant respectfully incorporates the discussion above with respect to the rejection of claims 1 and 11 and submits that Meutsch fails to teach or fairly suggest "means for providing a slit between at least two coil springs located adjacent to one another within a same string such that **the slit allows an increased interjacent separation distance to be formed between the adjacent springs**," as recited in claim 17. (Emphasis Added).

Namely, the spring arrangement of Meutsch is enclosed in the lacing strip 24 and fastened at 25 and, therefore, Meutsch fails to teach or fairly suggest "means for providing a slit... such that **the slit allows an increased interjacent separation distance to be formed between the adjacent springs**," as recited in claim 17. (Emphasis Added).

Also, for reasons somewhat similar to those with respect to the rejection of claims 2 and 12 above, Applicant submits that Meutsch fails to disclose to even suggest “means...configured to arrange the slit such that the **slit is completely enclosed between an upper and a lower part of the string.**” as recited in claim 18. (Emphasis Added)

For at least all these reasons, Meutsch fails to render the limitations of claims 17-18 obvious to one of ordinary skills in the art. Claims 19-23, dependent on independent claim 17, are also allowable at least for the reasons given above with respect to claim 17 and also on their own merits.

Applicant, therefore, respectfully requests that the rejection to claims 17-23 under 35 U.S.C. § 103(a) be withdrawn.

NEW CLAIMS

Claims 24-26 are newly added. New claims 24-26, dependent on independent claim 1, are also allowable at least for the reasons given above with respect to claim 1 and also on their own merits.

CONCLUSION

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant hereby petitions for a two (2) months extension of time for filing a reply to the outstanding Office Action and submit the required *small entity* of \$245.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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